

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

CASE NO. WDQ-02-CV-643

EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,

Plaintiff,

and

KATHY C. KOCH,

Plaintiff-Intervenor,

vs.

LA WEIGHT LOSS,

Defendant.

COPY

Fort Lauderdale, Florida

April 29, 2003

11:30 o'clock a.m.

DEPOSITION

OF

HARVEY SITNICK

1 A No. However, I am a member of
2 Bally's Gym, and in seeing how their people
3 trained people and how they misused the machines.

4 And whenever I would be at the gym
5 I would see someone not using machinery
6 correctly, since way back when I had been
7 interested in getting involved with Nautilus
8 machinery so I was more or less, and still
9 consider myself an expert, I would show them how
10 to do it, and I still do. Sometimes it's
11 accepted, sometimes they look at me like I'm
12 crazy.

13 Q How about any kind of experience in
14 sales of service type things besides that, any
15 sort of counseling type services?

16 A Okay. I worked for a company that
17 was selling memberships in an HMO.

18 Q How long did you do that for?

19 A Three and a half months.

20 Q Now, I want to skip ahead just a
21 little bit and talk to you about we are going to
22 sort of skip over to LA Weight Loss and come back
23 to it.

24 Do you recall applying to LA Weight
25 Loss around September of 1997?

1 A Yes.

2 Q After that did you continue to
3 apply for other jobs?

4 A Yes.

5 Q What kinds of jobs did you apply
6 for?

7 A Everything.

8 Q Same pattern basically?

9 A Anything in sales, marketing,
10 merchandising, and I probably -- I don't know the
11 word, but I can't think of it right now.

12 Q What kinds, did you ever take any
13 of these jobs or get offered a job?

14 A No. In sending out thousands of
15 resumes, in going out on many many --

16 Q Interviews?

17 A -- Interviews, they would either
18 not hire anyone and keep you on the string for
19 weeks or months, but then never hire anyone, or I
20 would never hear back on anybody who received a
21 resume, so I would do my best to follow-up with
22 each and every company that I sent a resume to.

23 Q And did you get any short term jobs
24 either, like the telemarketing jobs, did they
25 continue?

1 A I might have, but I can't
2 specifically remember.

3 Q Well, let's talk about in '97, '98;
4 did you have any income from employment?

5 A Yes, under \$5,000 both years.

6 Q Did at some point you become
7 eligible for Social Security?

8 A No, I will be 62 in May.

9 Q And what about the ensuing years
10 from '99, 2000, 2001, 2002?

11 A I applied for positions at the VA
12 Medical Center in West Palm Beach, and after
13 approximately a two to two and a half year period
14 they called me and said come in, we need a
15 laundry equipment mechanic, and I accepted the
16 position in April, two years ago.

17 Q And what is your annual salary
18 there?

19 A Right now it's about \$44,000 plus.

20 Q Do you remember the month you
21 started working at the VA?

22 A April.

23 Q Of 2001?

24 A 2001.

25 Q Where is that located?

1 A 7300 North Military Trail, West
2 Palm Beach.

3 Q Besides your salary, do you have
4 any benefits at your current job; do you have any
5 health benefits?

6 A Yes, I do.

7 Q What kind of health benefits do you
8 get?

9 A None from the job.

10 Q That's what I was asking you. From
11 your job do you get any health benefits any kind
12 of 401(k?)

13 A I could get reduced dollar or
14 reduced cost health benefits through the
15 government, but since I am a disabled veteran I
16 have not done that.

17 Q Now, do you recall in the summer of
18 1997 or fall, that you learned of a job at LA
19 Weight Loss Centers?

20 A Yes.

21 Q How did you learn about it?

22 A Through a newspaper add.

23 Q Do you recall what the newspaper
24 add said?

25 A It asked for manager, it did not

1 specifically -- I will just say that I remember
2 the add, it asked for a manager, I believe it
3 said \$40,000 to \$60,000 possible earnings. I
4 sent resumes off.

5 Q Do you remember what newspaper it
6 was in?

7 A It was either in the Sun Sentinel
8 or in the Palm Beach Post.

9 Q And you sent your resume in, what
10 happened next?

11 A As usual I didn't hear from anybody
12 so I followed up with phone calls, found out who
13 the company was and followed up with phone calls.

14 Q What did you learn about the
15 company?

16 A During the phone call, and --

17 Q First of all who did you call?

18 A Well, I just called the company. I
19 do not remember who it was I spoke to, although I
20 have been told that I spoke to someone. I did
21 not remember until I was told that I -- who I
22 spoke to.

23 Q What do you mean you were told you
24 spoke to someone?

25 A Susan told me the other day that I